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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. 09-0582 MHP
Plaintiff,)
v.) STIPULATION AND [PROPOSED]
JAMES GILBERT KELLEMS,) ORDER EXCLUDING TIME BETWEEN
Defendant.) JUNE 10, 2009 AND JUNE 15, 2009
FROM CALCULATIONS UNDER THE
SPEEDY TRIAL ACT (18 U.S.C. § 3161)

The defendant, James Gilbert Kellems, represented by Shawn Halbert, Assistant Federal Public Defender, and the government, represented by Cynthia M. Frey, Assistant United States Attorney, appeared before the Court on June 10, 2009 for a detention hearing. This matter was set for an initial appearance before the Honorable Judge Patel on June 15, 2009.

The parties agreed that time be excluded under the Speedy Trial Act between June 10, 2009 and June 15, 2009 for purposes of continuity of and effective preparation of counsel, in

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STIPULATION AND [PROPOSED] ORDER EXCLUDING TIME
CR No. 09-0582 MHP

1 order to provide defense counsel with adequate time to review the discovery and consult with the
2 defendant.

3 In addition, the defendant agrees to exclude for this period of time any time limits
4 applicable under 18 U.S.C. § 3161. The parties represent that granting the continuance, in order
5 to provide defense counsel with adequate time to review the discovery and consult with the
6 defendant, is necessary for continuity of defense counsel and effective preparation, taking into
7 account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that
8 the ends of justice served by granting such a continuance outweighed the best interests of the
9 public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

10
11 SO STIPULATED:

12 JOSEPH P. RUSSONIELLO
13 United States Attorney

14
15 DATED: June 10, 2009

/s/

16 CYNTHIA M. FREY
17 Assistant United States Attorney

18 DATED: June 10, 2009

/s/

19 SHAWN HALBERT
20 Attorney for JAMES GILBERT KELLEMS

1 Based upon the representation of counsel and for good cause shown, the Court finds that
2 failing to exclude the time between June 10, 2009 and June 15, 2009 would unreasonably deny
3 the defendant continuity of counsel and would deny counsel the reasonable time necessary for
4 effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §
5 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time
6 between June 10, 2009 and June 15, 2009 from computation under the Speedy Trial Act
7 outweigh the best interests of the public and the defendant in a speedy trial.
8

9 Therefore, IT IS HEREBY ORDERED that the time between June 10, 2009 and June 15,
10 2009 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §
11 3161(h)(7)(A) and (B)(iv).

12 DATED: June 11, 2009

